

FORM PTO-1083

PATENT
Attorney Docket No. 217950
Client Reference No.
Date: March 1, 2004

In re Application of: VENKATARAMAN, Balaji
Application No. 10/056,805
Filed: January 25, 2002
For: TANNATE COMPOSITIONS AND METHODS OF TREATMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA FACSIMILE

Sir:

Transmitted herewith is a response to an office action in the subject application.

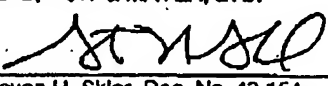
- ☒ Small entity status is claimed for this application under 37 CFR 1.27.
- ☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee:
- ☐ Other:
- ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

| | | | | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
|---|---|-------|------------------------------------|----------------------|--------------|----------------------|---------------------------|----------------------|
| TIME EXTENSION** PETITION FEE | | | three-month | | \$475.00 | | \$ 0.00 | |
| | subtract time extension fee previously paid | | none | | (\$ 0.00) | | (\$ 0.00) | |
| | | | | | | | | |
| CLAIM FEE | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | EXTRA CLAIMS PRESENT | RATE | ADDITIONAL CLAIM FEE | RATE | ADDITIONAL CLAIM FEE |
| TOTAL | 12 | MINUS | 20 | =0 | x 9= | \$0.00 | x 18= | \$ |
| INDEPENDENT | 4 | MINUS | 3 | =1 | x 43= | \$43.00 | x 86= | \$ |
| <input type="checkbox"/> | FIRST PRESENTATION OF MULTIPLE CLAIM | | | | + 145= | \$ | + 290= | \$ |
| | | | | | | | | |
| TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT | | | | | TOTAL | \$618.00 | TOTAL | \$ |

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,
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By 
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In re Appln. of VENKATARAMAN, Balaji
Application No. 10/056,805

tannate in an amount effective for the treatment, management or mitigation of such symptoms.

Applicant further notes that the '597 and '904 patents relied upon in the Office Action did not issue more than one year before the effective filing date of the present application of August 31, 2001 (or even the later filing date of this continuation-in-part application on January 25, 2002). Accordingly, the disclosure in these references is not prior art to pending claims 19-30.

Status of Parent Patent Application

The parent application to which the present application claims priority, namely U.S. Patent Application 09/952,711, issued as U.S. Patent 6,509,492 on January 21, 2003. The parent '492 patent claims a liquid suspension for treating upper respiratory indications comprising dexchlorpheniramine tannate and pseudoephedrine tannate and, optionally dextromethorphan tannate. See claims 3 and 4. The liquid suspension of claims 3 and 4 is useful in the methods of treatment of currently pending claims 19-30.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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